

Journal of Proceedings

Missoula City Council

June 6, 2022, 6:00 pm

Council Chambers (in person) or ZOOM Webinar (virtually)

Attend in person: City Council Chambers, 140 W. Pine, Missoula, MT

Members Present: Stacie Anderson, Mirtha Becerra, Daniel Carlino, John P. Contos, Jordan Hess, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Administration Present: Mayor John Engen, Marty Rehbein, Jim Nugent, City Attorney

1. CALL TO ORDER AND ROLL CALL

The virtual meeting of the Missoula City Council was called to order by Acting Mayor Gwen Jones at 6:00 PM.

2. APPROVAL OF THE MINUTES

2.1 Minutes from the May 23, 2022 Meeting

The minutes were approved as submitted.

3. PUBLIC COMMENT - NON-AGENDA ITEMS

President Jones We will take public comment on items not on the agenda. If anyone wants to give public comment on items not on the agenda, please come forward and state your full name and we allow about 3 minutes.

John Ulrich My name is John Ulrich, I live in Ward 1. I think some of you are familiar with me. I have 3 minutes to get 20 years of accountability back in my life. How are you going to do that? How are you going to do that you? You've defamed and slandered me in a *Missoulian* article. The *Missoulian* even said, oh we're just repeating what the city told us. You destroyed my life. You stole my rental properties with one of your police officers. You kicked me out of the HUD program. We had rentals; I was making income and none of you care. How do I get accountability? The Police Commission; that's a joke. What happens? Where do I come for accountability? I want 20 years of my life back. You shove me into the homeless hole and then you call me every dirty name in the book, and then I get this, I don't even know what to call it. Three months ago, you came up with this, we were just made aware of *Desertrain v. the City of Los Angeles*. Go back in your records; 2015 I stood in front of this body, and I told you it was legal. Thirty-seven tickets for camping in the city later, here I sit a veteran who's now in veteran housing. Did you help me get into veteran housing? Not a damn one. And then I got 350 of these. What are these? Huh, no that's not abusive; each one of them is anonymous, anonymous. So, you could call, you could call him, or you could call in and say hey his, his vehicles are in my house in my yard come, come write this tag on it and then steal it with your impounds and take six thousand dollars from a man who has no money who's trying to get back on his feet and then you do it through Red's Towing. Who doesn't even pay the state living wage which is agreed to when they contract with the city and then what do you do? Your dad writes a letter saying Mr. Ulrich you coming to city hall, you're going to be arrested. Why? I've never threatened anyone, never threatened anyone but you banished me from City Hall. The truth kills you people, you can't stand the truth, 350 of those in 2 1/2 years. Tell me where there's justice, equality, adversity, inclusion....that sounds like the constitution. Good day, Jesus Christ.

President Jones Is there any other public comment on items not on the agenda? And let me check virtually to see if we have anyone attending, virtually that wants to provide public comment not on the agenda. I don't see any raised hands. Okay, so going forward with our agenda, Marty could you look at the committee meetings, committee membership appointments and changes to the committee agendas and tell us what the committee agenda is for this week? Thank you.

4. ANNOUNCE COMMITTEE MEETINGS, COMMITTEE MEMBERSHIP APPOINTMENTS AND CHANGES TO COMMITTEE AGENDAS

Public Works and Mobility Committee, June 8, 8:45 - 10:15 a.m.

Public Safety, Health, and Operations Committee, June 8, 10:30 - 11:30 a.m.

Climate, Conservation, and Parks Committee, June 8, 11:45 a.m. - 12:15 p.m.

Committee of the Whole, June 8, 12:45 - 2:05 p.m.

Housing, Redevelopment, and Community Programs Committee, June 8, 2:20 - 3:05 p.m.

Land Use and Planning Committee, June 8, 3:20 - 4:50 p.m.

President Jones Thanks and Marty, I'm not sure if you got the Land Use and Planning Committee at 3:20 p.m.?

Marty Rehbein Oh there is more; there's more to the page on the bottom. Is it 3:20 p.m.?

President Jones The schedule that I have has Land Use and Planning Committee, 3:20 to 4:50 p.m.

Marty Rehbein It does; I just didn't scroll down far enough. Hang on here, I'm going to share the screen and show that.

President Jones Thank you.

5. CONSENT AGENDA

President Jones Items on the consent agenda were approved in City Council committees to be placed on the consent agenda to save time at council meetings by voting on them as a package. The City Clerk will read the list aloud so citizens watching on MCAT will know what is on the consent agenda. We'll invite community comment on these items before we vote. Marty, back to you.

President Jones Is there any public comment on the consent agenda? If you're an attendee virtually, you need to raise your hand if you want to provide public comment on the consent agenda. Seeing no public comment, any Council members that wanted to separate the question? Seeing none, Marty will you please do a roll call vote?

President Jones Thank you, that passes.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Hess, Alderperson Jones, Alderperson Jordan, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

Vote result: Approved (12 to 0)

5.1 Accounts Payable (claims) for checks dated May 31, 2022

Ratify accounts payable in the amount of \$1,519,860.71 for checks dated May 31, 2022.

Vote result: Approved

5.2 Accounts Payable (claims) for checks dated June 7, 2022

Approve accounts payable in the amount of \$953,454.59 for checks dated June 7, 2022.

Vote result: Approved

5.3 Procedures for Hybrid Public Boards and Commissions

Adopt a resolution establishing procedures and parameters for hybrid public board and commissions meetings.

Vote result: Approved

5.4 Appointments to the Bicycle and Pedestrian Advisory Board

Confirm the Mayor's appointment of Kate Whittle and Brandon Wasser to the Bicycle and Pedestrian Advisory Board. Kate Whittle will begin immediately and fill a vacated term that expires on September 30, 2023, and Brandon Wasser will begin immediately and fill a vacated term that expires on September 30, 2024.

Vote result: Approved

5.5 Access Agreement & Encroachment Easement for the Northwestern Energy Substation at Pattee Street

Approve and authorize the Mayor to sign an Access Agreement & Encroachment Easement with NorthWestern Corporation, dba. Northwestern Energy for the substation at Pattee Street.

Vote result: Approved

5.6 A Resolution Declaring VHF Radios as Surplus and Authorizing its Disposal

Adopt a resolution of the Missoula City Council declaring certain City of Missoula property as surplus and authorizing its disposal.

Vote result: Approved

6. COMMENTS FROM CITY STAFF, CITY AGENCIES, COMMUNITY FORUM, NEIGHBORHOOD COUNCILS, BOARDS, COMMISSIONS, OR AUTHORITIES

7. SPECIAL PRESENTATIONS AND PROCLAMATIONS

7.1 Proclamation - PRIDE Month

President Jones Next on our agenda we have special presentations and proclamations and we do have a proclamation for today that I will read for Pride Month.

WHEREAS, Missoula County acknowledges the lasting impacts of the homophobia and transphobia highlighted by acts of physical, mental, emotional, and institutional violence against lesbian, gay, bisexual, transgender, queer, intersex, asexual, and two-spirit LGBTQIA+ and 2S people and communities, both within the united states and internationally. WHEREAS, Missoula County and the City of Missoula have diverse LGBTQIA+ and 2S communities and are committed to supporting the safety, visibility,

dignity, and equality of all our community members; and WHEREAS, on June 24 and 28, 1969 the New York Police Department conducted a pair of raids on the Stonewall Inn, a popular gay bar, in Greenwich Village citing anti-LGBTQIA+ and 2S legislation such as masquerade laws to arrest patrons and workers; and WHEREAS, these raids sparked neighborhood resistance known as the Stonewall Uprising led by transgender and lesbian activists such as Marsha Payet Nomine Johnson, Sylvia Rivera, Storme DeLarverie, Ms. Major and many other transgender women of color, which served as a catalyst for the movement towards LGBTQIA+ and 2S rights, equality, and equity; and WHEREAS, the courage and bravery of these activists in the face of violence served as a catalyst in the United States for greater movement towards 2S LGBTQIA+ rights, equality, and equity; and WHEREAS, while advancements have been made through policy changes and the equitable treatment of LGBTQIA+ and 2S persons throughout the nation, there continues to be discrimination and violence against people in these communities, making it essential for local governments to collectively show support for community members who are impacted; and WHEREAS, June is celebrated as LGBTQIA+ and 2s PRIDE Month nationwide; and WHEREAS, everyone should be able to live without fear of prejudice, discrimination, violence, and hatred based on gender identity, expression, or sexual orientation. Now, therefore, Missoula County and the City of Missoula do hereby declare the month of June 2022 as LGBTQIA+ and 2s PRIDE Month. And it's signed by the County of Missoula, Juanita Vero, and City of Missoula, Mayor John Engen.

President Jones Are there, is there anyone in the audience that came to speak on this tonight? Seeing no one, anyone virtually who came to speak on this? I am not seeing any raised hands, but I think this is a very important issue and I was glad to see that the parade on this weekend was such an amazing success. So, thanks to all of the participants and the people in our community who support these issues. All right, moving on with our agenda.

8. FINAL CONSIDERATION

8.1 Funding Recommendations for 2022 Unified Application- AHTF, CDBG, HOME

President Jones Under final consideration, we have several items. The first one is 8.1, Funding Recommendations for 2022 Unified Application- AHTF, CDBG, HOME monies. Does the staff have any additional information to provide? If so, just, just raise your hand. Not seeing any raised hands, any questions from Council to staff regarding these, this item? Not seeing any raised hands, so I will be looking for a motion and this is in, I believe, Ms. West's committee, item 8.1.

Alderson West All right, the recommended motion is to adopt a resolution granting approval of the City of Missoula Unified Application Round Year 2022, awarding Affordable Housing Trust Fund (AHTF), HOME Investment Partnerships Program (HOME), and Community Development Block Grant (CDBG) funds to certain organizations, directing staff to negotiate contracts and agreements, and authorizing the Mayor to sign the contracts and agreements with said organizations.

President Jones Thank you. Is there any public comment on the motion? Seeing no raised hands, any comments from Council? Ms. West.

Alderson West I was really excited to see the, the breadth of projects that were funded this year including a the land purchase underneath an apartment house, apartment on the north side, which is going to be either I think the you know what the model of ownership structure for the apartment is going to be is still up to be determined, but I really like seeing a community land trust diversifying the, their housing portfolio and serving a variety of housing needs. There's lots of other exciting, exciting projects in the works.

President Jones Ms. Becerra.

Alderson Becerra I just wanted to thank the staff and everyone who participated in the, the review of all the applications and doing such a thorough job and ensuring that all the recipients met all the requirements and happy to see these funds go into a really good cause. Thanks.

President Jones Thank you. Any other comments from Council? And let me check virtually, I see no other raised hands. So, Ms. Rehbein if you could please do a roll call vote.

Moved by: Alderson West

Adopt a resolution granting approval of the City of Missoula Unified Application Round Year 2022, awarding Affordable Housing Trust Fund (AHTF), HOME Investment Partnerships Program (HOME), and Community Development Block Grant (CDBG) funds to certain organizations, directing staff to negotiate contracts and agreements, and authorizing the Mayor to sign the contracts and agreements with said organizations

AYES: (12): Alderson Anderson, Alderson Becerra, Alderson Carlino, Alderson Contos, Alderson Hess, Alderson Jones, Alderson Jordan, Alderson Nugent, Alderson Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

Vote result: Approved (12 to 0)

8.2 Substantial Amendment to the CDBG and HOME Program Year 2021 Action Plan

President Jones Thank you. Next on our agenda is 8.2, Substantial Amendment to the CDBG and HOME Program Year 2021 Action Plan. And did staff have any additional information to provide? If so, raise your hand and I'll call on you but I'm not seeing anyone. Okay, any questions from Council on this item? All right then, I am looking for a motion and I believe this is again Ms. West.

Alderson West The recommended motion is to Approve a substantial amendment to the City of Missoula's Program Year 2021 Annual Action Plan for Community Development Block Grants (CDBG) and HOME Investment Partnerships Program American Rescue Plan (HOME-ARP.)

President Jones Any public comment on this motion? Let me go back to my screen. Seeing no raised hands, any comments from Council? Seeing none, we will have a roll call vote.

Moved by: Alderson West

Approve a substantial amendment to the City of Missoula's Program Year 2021 Annual Action Plan for Community Development Block Grants (CDBG) and HOME Investment Partnerships Program American Rescue Plan (HOME-ARP.)

AYES: (12): Alderson Anderson, Alderson Becerra, Alderson Carlino, Alderson Contos, Alderson Hess, Alderson Jones, Alderson Jordan, Alderson Nugent, Alderson Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

Vote result: Approved (12 to 0)

8.3 Rezone 2900, 2920 and 2990 Expo Parkway – Grant Creek Village (2 parcels, 44 acres) from R5.4Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4Neighborhood Commercial to RM1-45 (multi-dwelling)

President Jones And last on our final consideration portion of the agenda, we have item 8.3 which is the Expo Parkway re-zone in Grant Creek Village and Mr. Hess, I understand you wanted to address this.

Alderperson Hess Yeah and if I may make some brief remarks and then a motion?

President Jones Go ahead.

Alderperson Hess Okay. So, at the Land Use and Planning Committee on June 1, 2022, Council had a really productive conversation with city and county public safety and transportation professionals and heard nearly two hours of public comment and it was, it was a real productive meeting on the, on the proposed rezone on Expo Parkway. I, and this item is scheduled for final consideration tonight; however, a portion of the meeting on June 1, 2022 focused on the voluntary development agreement that has been proposed by the applicant and included in the rezoning application package. A new version of this development agreement was proposed early last week, and the public has not had the opportunity to fully consider the proposed agreement. So, what I'm going to propose, the public has the right to know and the right to participate in our process is and I think we've done well by that through this process. We've had a lot of public comment. We've had a lot of opportunity for ongoing testimony, and I know everyone's anxious to stop attending public meetings and put this, put this behind us. And so, but what I'm what I'm going to ask to do is to postpone this item until June 27, 2022 and refer the development agreement to the Land Use and Planning Committee on June 22, 2022. The development agreement is outside of the rezone process, and we, we acknowledge that, and we acknowledge that the development agreement has been offered as a voluntary agreement, but I think it does the public a tremendous service to have these items heard together and so I'm asking I'll make a motion to postpone item 8.3 until Monday, June 27, 2022 and to refer the development agreement to the Land Use and Planning Committee on June 22, 2022. And my understanding is that this, since this is final consideration and not a public hearing, it requires a majority vote to do, to do so.

President Jones Thank you for that. So, just to be clear, a motion is on the floor to continue this item of 8.3 the rezone for Expo Parkway in Grant Creek to June 27, 2022. That motion is in order, and I will take public comment on the motion which is to continue this until June 27, 2022. Is there anyone that wants to provide public comment on that motion? If so, come on up and please state your name and 3 minutes.

Marty Rehbein Point of order Gwen...

President Jones Oh, wait just a moment. I'm sorry, Marty.

Marty Rehbein We can't hear the public testimony.

President Jones Hang on, I have too many buttons. It's me, not you. Sorry, go ahead...Now you...I've got a lot of different buttons to run for meetings up here...Sorry, if you could start over and state you name.

Susan Andrews Just um, I'm happy to see it's continuation for the motion as a homeowner in the Grant Creek area, Cottonwoods near the freeway there, just hoping for more information and yeah a little bit nervous about how many units are going in and all of that. So, I sure would love to it to be continued and nothing voted on at this time. So, thank you. My name is Susan Andrews and I'm Grant Creek.

President Jones Thank you. Thanks. Sorry for not hitting the button sooner. Is there anyone else that wants to provide public comment on this item which is the motion to

postpone? So, if you want to come on up and state your name into the record. Thank you.

Gary Schwartz My name is Gary Schwartz, I'm a homeowner in the prospect subdivision, I guess you'd call it and have been down this road before for more than two years. I have great understanding and cooperation with alderman. I too echo that if we delay this by another two weeks, maybe we get a better resolution. There's been so many different issues of environmental, traffic, fire. This isn't a slam dunk thing that's gonna solve the Missoula housing crisis in one fell swoop but while I do oppose this 500 apartment, 500 unit development, I, I agree with the idea to delay it for two more weeks or whatever that is. If you need my street address or just a name?

President Jones Just your name.

Gary Schwartz Just the name. Okay, thank you.

President Jones Thanks so much. Any other public comment on this motion to continue? Come on up and state your name for the record. Thank you.

Kim Burke Hi, I'm Kim Burke. I'm also a Grant Creek resident and I also support postponing this unless the Council was ready to vote tonight to oppose the re-zone because the development agreement cannot be considered at the same time as the rezoning. So, the rezoning has to be voted on based on its merits and whether it complies with the, the City Growth Plan and I think we've all agreed, and the planning board has agreed twice, and this Council has agreed once in the past that the project, as proposed then and as proposed now does not comply with the zoning ordinances and or the growth policies. So, if the Council believed that they could vote tonight to just not allow the rezoning and the developer could go back to the drawing board and make a better proposal that would be a PUD for the northern parcel that would allow everyone all the certainty and all the bells and whistles that everyone's hoping for and a reduction in the amount of inconveniences and dangers and hazards and all of those things. If he did it right to start out with, we wouldn't all be wasting our time. So, if you can't vote no tonight, I support the motion to continue for three more weeks, but I'd rather have you vote no. Thank you.

President Jones Thank you. Anyone else that wants to provide public comment on this motion? Let me check in the attendee virtual room. If anyone virtually attending wants to provide public comment, please raise your hand. I'm not seeing that. Okay, are there any questions or comments from Council regarding this motion? Mr. Carlino.

Aldersperson Carlino Yeah, it is not legal to vote on a rezone based off of a development agreement and they should not be voted on together. Our City Attorney has made that clear that you can't vote on a, and our city staff that can't vote on a rezone based off of a development agreement and we've already been waiting two years for this rezone to be voted on again. And, and I also want to remind everybody that we're in the code reform process for the entire city. We're not going to have a development agreement for each little parcel around town. We're just going to vote on rezoning, and we should vote on rezoning today, vote on the option of rezoning.

President Jones Mr. Nugent.

Aldersperson Mike Nugent Thanks madam president and thank you Councilman Carlino. Councilman Hess, I have great respect for you, but I am going to vote against this motion. I feel that in explaining the motion you stated specifically that we cannot consider it at the same time, or they cannot be tied together so therefore it doesn't make any sense to me that we push the decision on the rezoning down to have a better understanding of a development agreement that we can't consider. I understand in the conversations we've had in committee that it's maybe not as black and white, that the developers did propose it on their own, they weren't asked, and it was not made a

condition of the rezoning application. I do though have concerns that if we were to hold the votes consecutively and we were to approve the rezoning and then vote on the development agreement the same night, that down the road when somebody submits a rezone, but isn't willing to submit a development agreement, we have then opened ourselves up to an obvious complaint from them that we didn't consider their rezone because they once submitted a development agreement even though we can't consider, we can't condition zoning. So, I certainly have respected the process and I would agree with your comments very much that that it's been very open, and we've given a lot of opportunity for public comment, there's been multiple, multiple meetings. We've had several very interesting experts, public officials from the City and County share with us their views and I think that it is time to vote on this tonight.

President Jones Any other comments from Council? And hang on, Ms. Jordan.

Aldersperson Jordan Thank you madam chair. I would also agree with my colleagues, Mr. Carlino and Mr. Nugent that we should vote on the rezone tonight. Thank you.

President Jones And Ms. Vasecka.

Aldersperson Vasecka Thanks. Yeah, I'm going to have to agree with my colleague, Mr. Nugent. I think that we, we should do a final vote on this tonight. So, I won't be supporting the motion to postpone this.

President Jones Okay. Any other comments from Council? Seeing none, this motion is in order, and we'll take a roll call vote please Marty.

Marty Rehbein Okay, this is on a motion to postpone until June 27, 2022 and refer the development agreement to Land Use and Planning Committee for consideration on June 22, 2022.

President Jones Thank you. So, the motion passes. So, item 8.3 is postponed until June 27, 2022 and then will be picked up for final consideration.

Moved by: Aldersperson Hess

Motion to postpone this item until June 27, 2022 and refer the development agreement to the Land Use and Planning Committee meeting on June 22, 2022.

AYES: (8): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Contos, Aldersperson Hess, Aldersperson Jones, Aldersperson Savage, Aldersperson Sherrill, and Aldersperson West

NAYS: (4): Aldersperson Carlino, Aldersperson Jordan, Aldersperson Nugent, and Aldersperson Vasecka

Vote result: Approved (8 to 4)

9. PUBLIC HEARINGS

9.1 Referral - Resolution for 3rd Quarter FY 2022 Budget Amendments. This resolution amends the fiscal year 2022 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.

The City Council will hold this public hearing open until they take up the item for final consideration on June 13, 2022.

President Jones All right, going on with our regular public hearings that we are opening tonight. State law and City Council rules set guidelines for inviting community comment in a formal way on certain issues. Following a staff report on each item, the City Council and the Mayor invite community comment. During COVID-19, the City Council is holding

the public hearing open for a week and then voting the following week, unless there is a requirement for final action on the night of the public hearing. The first item we have tonight is 9.1, Resolution for 3rd Quarter FY 2022 Budget Amendments. This resolution amends the fiscal year 2022 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget. And Ms. Griffing, you are here to present on this tonight. Welcome.

Leigh Griffing Thank you Ms. Jones. Leigh Griffing, City Finance Director. I am bringing the 3rd Quarter budget amendments for FY22. We presented this in committee, but I will bring those up again to share with folks. So, these budget amendments will increase revenues by 12.7 million dollars and appropriations otherwise known as expenses by 12.8 million dollars. And that may seem like a lot of money, but we are bringing in a lot of money to cover these. All of a sudden, I cannot move my screen. So, bear with me a moment; I will stop and get the right screen up. Thank you. So, attached to this agenda item, we always bring an exhibit that actually outlines each one of these budget amendments. The majority, if not all, of these budget amendments are actually for capital projects. It's one of the reasons, we're seeing the really large dollar amounts here. These are projects that were approved during the budget process, but they were contingently approved until funding was secured and so now that funding has been secured, we're bringing it for the City Council for final approval and addition to the budget. As you can go through each of these lines, you can see what those projects are, and revenues are shown along with expenses, and we are also showing where these funding sources are coming from. I'd just like to point out down here in water that our Public Works and Mobility team has been very successful in bringing in a large amount of the competitive ARPA Grant funding for a lot of these eligible infrastructure expenses. On the next page, these are just informational items that we bring forward, so folks can see the changes and that happen throughout the budget. We have budget carry forwards; these were items that were approved in the prior year, but a contract or project may be needed to push forward into this year. And then we have budget transfers which is one of our housekeeping items. This is really accounting but we want to let folks know anytime any one of those line item budget changes and why and so these are really just coding corrections that are happening within transfers.

President Jones Thanks Leigh. Is there any public comment on this item? Seeing none, any questions from Council? Seeing none, this will stay open until June 13, 2022 when we will take this matter up for final consideration. Okay. Thank you Leigh, appreciate it.

9.2 Amendments to the Missoula Valley Water Quality District Ordinance

The City Council will hold this public hearing open until they take up the item for final consideration on June 13, 2022.

President Jones All right, the next item is 9.2, Amendments to the Missoula Valley Water Quality District Ordinance and we have Todd Seib here to present on this item. Good evening Todd.

Todd Seib Good evening. Can everybody see my screen?

President Jones Not yet. Okay we can see it now, but if you can enlarge it so that we just see the slide? Perfect, there you go. Thank you.

Todd Seib I thank everybody and good evening. I'm really excited to present the revisions to the water quality ordinance also known as the water quality code tonight. So, I'm going to take you through a little bit of our history. You know, the Water Quality District's been around for quite a while, but it's been a while since we've updated, updated code and then kind of you know highlight some of the big changes that we're proposing. So, really to talk about the ordinance, we, we have to start with the aquifer, that's where the story really begins. In Missoula, the aquifer is our sole source of drinking

water. It's, it's very productive. You know the tertiary sediments in our valley made up of coarse sand and gravel allow us to have a ton of water. It's one of the most productive and fast-moving aquifers in the country and we're really fortunate to have that. There's a flip side to that coin though because those same, those same features that allow us to have so much water also make it very vulnerable to contamination. There's really no natural protection from us to the water that's beneath our feet. So, you know if you imagined a leaking septic tank or even a you know, a gas station leak or a spill somewhere in the valley, eventually it would move through our valley to our discharge area. So, so what do we do with without this natural protection? I think what we do is we become the protection ourselves, right? So, we, we invest in infrastructure; we change our behaviors to protect this as a community because this is a community resource and so this ordinance really seeks to do that. With a combination of education and enforcement, we want to update the ordinance to you know let it continue to be a good tool to protect the aquifer because we haven't always done a super good job at, at protecting basically something that we all share you know the same cup. We all drink from the same straw, so to speak. So, in the, in the 80s and 90s, in Missoula, we really started to see, see some problems. Arsenic of course from Milltown Dam was getting into the drinking water for folks and that was detected, as well as a number of hydrocarbon leaks, diesel from the railroad. We had some, some issues with pesticides and herbicides, leachate from the landfill, and a number of others and one of the big ones of course was perchloroethylene from our dry cleaners and from degreasing automobile parts with floor drains. And so, and, and many more, and we kind of continue to find these, these historic sites. And so, during that same time that these were discovered, we also were designated a sole source aquifer by the, by the federal government. And so, the state recognized that hey it's really expensive to clean this stuff up. We really need to prioritize prevention and in 1991, the state statute establish the ability to do just that and form Water Quality Districts and so the Missoula Water Quality District is one of four in the state, and one of the main reasons we are here is because we have this aquifer. So, our, our goals and our, our mission was, and it continues to be to protect, preserve and improve the quality of our surface and groundwater. So, some in the audience might recognize these folks; this is the Missoula Valley Water Quality District up until fairly recently. So, in 1993, the district was formed; it's administered by the Health Department and in 1994, the current ordinance we're operating off of, the Aquifer Protection Ordinance was adopted. We've had a few updates to that over the years but not any significant ones for about 20 years. So, it is a health and safety related ordinance which means it applies outside the city limits but still within the boundaries of the district and the boundaries of the district are roughly the boundaries of our aquifer. So, this is what we look like now and Emily is still with us, thankfully. And so, we, the faces have changed but the goals are still the same. So, here's just an image of our aquifer/ordnance boundary. So, in, in pink here, in the stripes that would be the ordinance boundary and then in the blue that would be the Water Quality District boundary. So, so like I mentioned you know the last major update was in 2000 and 2008 we, we had a little bit of an update for some de-icing chemicals but our original ordinance largely came about because we, we had to react to what was going on in the valley and so we wrote a lot of best management practices for dry cleaners, for fueling stations, large you know if you're familiar with Philips 66 and the big Cenex fuel storage, for those types and we really rely heavily on a general prohibition in our ordinance that basically says don't cause contamination. And over the years, we've, we've kind of realized that we get questions. Well, okay, I like to power wash buildings, how do I not cause contamination? Or you know, I'm a painter or you know I have a restaurant I have grease stored in the alley, how do I not cause contamination? And so, we, you know this this idea of best management practices for these things kind of came out organically from just answering a lot of the same questions and getting you know complaints about, about certain things and, and I, I believe that you know if we can we have to let people know what's best before we can expect it. And so, that's, that's kind of the exciting part of this, this, this rewrite is we've taken all these best management practices that were existing in the ordinance, move

them to a manual, and then added a lot of these common ones as well. So, the big goals of the revision were to incorporate what was becoming policy right? So, here's how we should tell people to you know control their sediment, so they don't pollute and really put those into, into code. And then, of course, you know it's a, it's a living document to some degree and we've, we've found parts that weren't worded just right, or you know old, old references and so we did a lot of cleanup language, as well. So where are we at? Where are we at? In the process, back before COVID really got underway, we, we were doing some presentations about these changes to the Water Quality Advisory Council and we've met with the city agencies that kind of overlap in terms of the water utilities, wastewater, et cetera. We've, we've taken these proposed changes through legal review at the County and the City. We've represented multiple times at public meetings with the Water Quality Advisory Council, as well as with the Board of County Commissioners and the Water Quality District Board and the Health Board. We've, we've attended the, the City Council committee meeting last, I think our goal was April-May, but I think it was you know a couple weeks ago now and then here we are today in June at this at this hearing. The next step hopefully after this this stage would be to revisit the Board of County Commissioners and the Water Quality District Board for extra territorial application of our, of our manual. We've had a number of public meetings about this, the, the draft has been on our website with a survey for over a year now. We sent letters to all of our current permitted folks back in April talking about this. We had a press release out and this Missoula county voice, which is similar to Engage Missoula has really, really been helpful, in terms of interfacing and honestly a couple of our, our BMPs were, were suggested to us proactively by, by, by businesses. So, Phillips 66 is very proactive and got to us pretty early, a few years ago actually and we've talked to some other, other businesses in town. And so, yeah this has been this has been on, on the books for a while and that original photo I showed of all those folks, they've contributed a ton to suggestions and I'm just at this point almost just the messenger at the end of this this long trail. So, so, now just want to get into some of the specifics that have changed. In the definitions section, we, we added allowable non-storm water discharge simply because this is not only consistent with the stormwater ordinance that's existing and this is a state definition, as well, but we get a lot of questions about this. So, what can go down a storm drain? You know, and, you know my basement's flooding, can that go the down the storm drain if I sump it out? And so, there's all of these examples of non-storm water that can actually go down a storm drain, mainly because it's cleaner than storm water. You know, it's, it's pumped ground water, it's irrigation, some of its irrigation returned water. So, we wanted to add that in in there, so we have that to refer to for folks. We added a couple new definitions like a fueling pad to refer to the area underneath the canopy where the fuel, fueling island is. A large capacity storage tank, this was a an important one because in our current version we didn't really distinguish between a facility that had a lot of oil in small cans versus one that had very large containers, and so that, well the BMPs just differ a lot with how you store it and it's not really related to the total volume. So, we had some, we had some rules that were originally embedded inside a definition of secondary containment and that's just not as clean as, as pulling those out, so we did we did that as well. And then kind of a another in the same vein, for threshold quantities, this refers to the amount of a substance someone could store before it would need to be secondarily contained or permitted. We added deicer to that and so deicer is typically you know stored in plastic tanks like these 10,000 gallon tanks here and the way the rule was written or is written currently, you wouldn't have to secondarily contain them unless it was going to be applied to city streets or, or county, public roads but really the threat of this of this storage is, is right here. It's, it's not when it's applied necessarily, so we need to make sure this is secondarily contained and so this is a fix it right there. So, that's what that looks like when that is contained, and this next photo shows why it's important to contain it because there was a spill shortly after that was done. So, the next section where we made some changes, the prohibited activities section. This, this section currently, I keep want to say previously because it seems like I've been working on this for a while but it's current, you know it just

says don't cause contamination right. Do not place waste where it may cause pollution but then throughout the document, there were all these other prohibitions. And so, what we did is you know we really just wanted to make this cleaner and more readable for the public. So, in large part, we, we moved some stuff around. For, for fueling stations, right now, you know fueling stations do have a lot of safety features you know alarms and, and flapper valves and things to alert, alert station operators but they sometimes fail. And, and so far, we've, you know in the past 20-30 years, we have not seen a good way to engineer out, you know the risk at these places that sit above our aquifer and then of course there's always human, human error that we know we can never engineer out and so one thing that's been an industry standard in Missoula since 1994 is not putting these storm dry wells these, these sumps in gas stations because they basically act like a straw that goes right down into the gravel of our, of our aquifer. And so, to be honest, it's also been an industry standard in other states and locations in the country that source their water from drink, from aquifers as well. So, Wyoming and West Virginia and New Jersey and Washington and Oregon and a handful of others also don't allow these types of storm drainages. And so, Missoula is kind of last, we're kind of lagging behind in that way and so we think it's time to, to be more protective on that end. This new prohibition on connecting a structure to a well of the structures with 200 feet of an existing public water supply was also something that was maybe intended the first time the ordinance was written but we wanted to make that more explicit. So, this next section the regulated substances and pollution prevention section, this essentially codifies or references this BMP in the BMPs that I mentioned. So, it puts that in the ordinance, it calls out a few specific activities you know like dry cleaning, carpet cleaning, auto repair and then puts that in the ordinance and references, references that. The fueling facilities section that I mentioned, there's, it's shortened so all the other BMPs that used to be in this section, they have been moved to the BMP manual and then this basically just gives, gives folks two years to come up, to come up to code. And so, these are some more specifics to the fueling facility BMPs. In short, stormwater and you know, fuel releases cannot go to a storm drain, there are other, other places for it to go, that are better for our drinking water. You know, containment vaults then go through oil water interceptors, oil water interceptors to a swale, catch chambers to another water interceptor, etc. And then, this large capacity tank inspections, that was something that Phillips 66 was interested in having us change. Without going into too much, into the weeds on that, basically there was an inspection schedule established by EPA that had to do with the floating lids of these tanks and, and the industry, API, the American Petroleum Institute, changed their standard, but EPA did not, and so our ordinance was referencing was consistent with EPA and we worked with Phillips 66 to change that because we still believe it's protective the way they're doing it. So, this is an example of some fueling facility drainage kind of gone wrong so to speak. So, you know we see about three to four significant releases every year in Missoula over the last 20 years and some of the examples here kind of highlight how you know some of these things just can't, they're accidents, you know they can't be prevented. So, we need to make sure the fuel doesn't go where we don't want it to. So, the fueling island collision in 2010, someone overfilling their vehicle in 2015, and you know stations that have this drainage are currently required to have absorbance on hand, but you can see it barely, you gotta get to it fast and it barely does, does the job. In 2018, here's a tank fueling overfill, so that's a tanker back there, so that's where you know you'll see these tankers usually it's early morning or evening and, and they'll be filling up the underground storage tanks. We just had a spill at a station this month and you know it was an example of human error right. So, so the valve needed to be changed out in one of those underground storage ports and so the breaker was turned off to shut that down so they could operate on it, but the wrong breaker was turned off. So, then someone pulled up to the pump and started getting gas and so fuel went everywhere. However, there's a good, good side to this story. They didn't have any dry wells, so it just went to the surface onto the asphalt and was able to be absorbed and we didn't have any environmental damage. The deicer specifications, like I mentioned earlier, changed so that these would also these tanks would also need to be secondarily

contained and so secondary containment is just you know a tank within a tank right that that can accommodate 110% of the volume of that primary tank. So, if there was a spill, we wouldn't have to worry about that. And then there's a permit and so if you have certain quantities of chemicals in Missoula, we require you to get a permit and in that permit, we want you to tell us you know how are you going to prevent spills? Where are you going to store your chemicals? You know, do you have people trained? Do you have an emergency response plan? And so, one of the things in that current language is that we realized we required a plan, but we didn't make it very explicit that you have to follow the plan. So, we don't just want a piece of paper, we want that piece of paper to be actionable on site, so we want to clarify that. And then, you know, we do see some, some folks operating you know businesses and chemical companies that maybe they change you know maybe they change from storing you know sodium hydroxide to you know acetic acid or something like that. And so, we want to know when they change chemicals and increase their capacity, so that they don't end up storing it outdoors like this over here. And so that's basically the ordinance and then the BMP manual is really the pretty pictures you know and, and, and hey here's how you can do this and it's more educational, but it's still, still required. And so, this manual is also available, and we have a number of good, good examples because this is becoming a standard practice you know more or less across the country, we had a lot of manuals to look at for reference and so we were able to use a lot of good guidance. So, just some examples of you know above ground storage tanks, this, this photo shows two tanks containing two different types of fuels with the same type of fuel label, no secondary containment, hoses on the ground, permeable ground as well. And so, we have a section in there about above ground storage tanks because we do see more of these kind of you know used for landscaping and other, other type operators. We have more specific BMPs for, for anything related to road maintenance, so whether you're street sweeping or you're painting stripes or you're applying asphalt, we've had a number of complaints. So, you know, to oversimplify the BMPs, they, they really say do this in a way that doesn't go down a storm drain and here are some examples of ways you can do this right and the manual is really nice and flexible that way. So, we'll you know we'll say if you have a BMP that meets the, the intent of this that isn't explicit in here, we would love to hear it and love to approve it, but this we wouldn't like so this is this is cleaning out the asphalt tank in the nearest, in the nearest grass. We have chlorinated water discharge guidance in the manual, as well. So, this is what happens when you discharge a hot tub in an area that is not, that is prone to, to erosion. So, we wouldn't like this because sediment is actually a very big pollutant to our rivers, it can harm the fish and the ecosystem, so we want to make sure folks know how to do that in a different way, and this is in a similar way this is manure runoff down the road into Pattee Creek, restaurant grease, discharge from developing a well downtown, rinsing out concrete into a storm drain, etc. So, we've covered all those topics in that manual. We didn't just add things; we did remove things as well. This time around, we found some redundancies and some authorities that were already covered by other agencies that's it's kind of developed over time. We removed the LEPC reporting requirement, as part of the Federal Right to Know Act; it's really not something we need to enforce with, with the Water Quality District. Similarly with the UST requirements, those are enforced and reviewed by the state DEQ and so we, we also don't need to be redundant in that in that respect. So, overall, we really tried to reorganize and clarify, added some, some good definitions, took a lot of those, those policies and codified them, and got more specific with, with BMPs and then structurally moved those BMPs into their own manual. Yea, I, I think that's, that's about it. I don't want to waste anyone's time and would love if anyone had questions; I could take those.

President Jones Great, thank you Mr. Seib, just a ton of great information. First in order of business, I'll call for public comment on this item. Let me see if anyone in the attendee room is raising their hand. Okay, we have Tracy Campbell is raising her hand and if we can, yes, if you can unmute yourself Tracy, you should be able to give public comment on this item.

Tracy Campbell Great. Hi everyone, my name is Tracy Campbell. I am the superintendent for the City of Missoula Stormwater Utility. I just want to say we are super lucky to have the Water Quality District. There's a lot of other stormwater utilities around the state that are a bit jealous of us and the expertise that Todd, Elena, and their team, you know bring to town and I want to say we are overwhelmingly in support of these changes. We absolutely need to protect our water and we need to catch up with the rest of the country. Thank you.

President Jones Great, thank you. Is there any other public comment on this item? Not seeing any other public comment, any questions from Council? Mr. Nugent.

Aldersperson Mike Nugent Thank you madam president. I do have a question and apologies if you touched on it, but who will do the enforcement of the, of the Pollution Prevention Plans? And I guess I ask that knowing that we've had other discussions around Health Department regulations on air quality and things of that nature and, and the discussion of who actually is available to enforce it from a staffing front comes up?

Todd Seib Sure. Yeah, so the Pollution Prevention Plans are currently part of the ordinance and we, we do that enforcement. We, meaning the Water Quality District so me, Elena, Craig. We conduct inspections on those facilities that currently have them. We have about 150 facilities and then if a new business opens, we would get an alert through the City and we would assess that business, and if they need a new Pollution Prevention Plan, we would review and approve that at that time and then and then do that. So, yeah that's, that's all internal staff.

President Jones Go ahead Mr. Nugent.

Aldersperson Mike Nugent Thanks. So, so currently your you and your staff and your colleagues already do this but there really isn't a mechanism to enforce it?

Todd Seib No, there still is a mechanism to enforce it. The plan, the Pollution Prevention Plan, the way the ordinance is currently written it says you must have a plan and so we would always check on that but it, it doesn't say in the ordinance make sure you follow your plan. I think it's implied that you're going to follow the plan, so we just made that part in the, in the, in this rewrite more explicit that facilities must follow the plan as approved. So, we haven't had a problem necessarily that enforcing those plans, but we want to make that more explicit.

Aldersperson Mike Nugent Perfect, that's kind of what I was getting at. So, what would happen if somebody were violating their plan under this new ordinance? What sort of sanctions or, or steps do you take?

Todd Seib Yeah, it's conversation. You know, it's you know in your plan you proposed. So-and-so is going to be the emergency contact, it sounds like this person no longer works here, you have 7 to 14 days to update your plan to reflect your current practices. You know, it's stuff like that.

President Jones Anymore? You're good. All right. Ms. Anderson.

Aldersperson Anderson Thanks so much madam president. I guess my question is, I mean I appreciate all the facts and the kind of glad that we're finally bringing our code into line, but you said something at the very beginning that has stuck with me about the fact that we're really uniquely positioned in terms of the nature of our aquifer and, and where it's a huge asset for us. It also because of the way it is, is very susceptible to you know contamination and given the fact that we're trying to catch up with other places, do we feel, in your expertise, does this go far enough to protect because once contaminated you know I can only imagine what would need to be happen what would have to happen to clean that up and we've seen you know unfortunately in other places where you know there isn't necessarily the money to fix things when things have gone awry and so

prevention's worth a pound of cure? So, I just wanted to give you an opportunity to answer that.

Todd Seib Yeah absolutely, that's great. Yeah, the, the prevention is definitely worth a pound of cure in this case. You know, luckily I think those big, those big contamination events that we used to see so to speak in the 80s with, with industry and floor drains, I think a lot of that's behind us and we are still dealing with some historic contamination like, like we know about at BNSF, but right now our big threat would be these, these little inputs. So, what they call non-point source pollution, you know. So, it's, it's, it's over here in this alley a, a grease spill or a petroleum spill. It's over here you know in this parking lot and so collectively all those small those small things add up and I think, I think this does go far enough. Currently with what we're seeing in Missoula, we're lucky to have the stormwater utility, as well and, and Missoula Water you know testing our water, monitoring stormwater, looking for pollutants, and a lot of boots on the ground to kind of identify new threats as they come up and I think you know kind of the beauty of our, of our prohibition section that you cannot pollute, paired with now this manual that could be you know that we could update as needed over time when we identify these new threats. I think it's going to be just a really good tool set; you know to kind of stay on top of this.

President Jones Follow-up?

Alderson Anderson Yes, please.

President Jones Go ahead.

Alderson Anderson President, thanks so much. I guess, one I appreciate the fact that now with the stormwater utility, we have more opportunities to do a lot of work. The other thing that came to my mind is that with our billing system now being all in one billing there's also an opportunity to communicate and I'm wondering if we've have thought about or have an opportunity to you know send out a one-pager Q&A, infographic, something like that to not that necessarily these regulations drastically change what people do but it's a good opportunity to take, to educate folks on what to do, what not to do, and what resources say you have grease have paint how to properly dispose of it.

Todd Seib Yeah, yeah, I love that, and I know we've already worked together a little bit with, with stormwater on those kinds of things. We've developed some, some educational materials and so people love getting mail nowadays; it's such a rare thing. So, they'll open it and read it and look at this great poster that we developed. So, so yeah I agree that's, that's a good opportunity now.

President Jones Ms. Sherrill.

Alderson Sherrill Yeah thanks and I really appreciate all the work that's gone into these because obviously we're, our water is really important and we are sitting on top of it, as we are reminded regularly. The other thing about water though is it moves and if I missed this I apologize in your presentation, but could you speak a little bit to any coordination we're doing well I'm for us I'm more worried about upstream but obviously there's downstream as well?

Todd Seib Yeah, that's right water, water definitely moves and so you know through, through a number of different ways we do coordinate. Surface water is something that we're doing a lot more work with, with local kind of riparian partners and educational groups to, to look at all the different inputs into our big rivers, the Clark Fork and the Bitterroot. You know, the Clark Fork is really what starts, it's kind of the start of our aquifer so to speak and so we are interested in that. On more of an advocacy side, we, we do partner with other groups like the Clark Fork Coalition and even the EPA, to, we keep a really close eye on super fund sites, federal and state superfund sites. So, we work closely with partners at DEQ, as well because all this water is connected and you know the other, the other three Water Quality Districts I mentioned, we partnered with

them as well because we kind of have unique, you know, situations, but, but to a large extent, we all have the same goals and so we meet with them on a yearly basis as well.

Aldersperson Sherrill Thanks.

President Jones Great, thank you. Are there any other questions from Council? And any of our Councilors attending virtually, raise your hand if you want to ask a question. I'm not seeing any. Mr. Seib thanks for a ton of great information tonight with this presentation. It's always just fascinating but also I think it's a I'm going in the great direction with the, the revisions to this. So, this was opening our public hearing. We're going to keep this item open and have final consideration on June 13, 2022. So, thank you Mr. Seib, appreciate it.

Todd Seib Thank you.

9.3 Resolution to support changes to the Missoula City-County Air Pollution Control Program rules

The City Council will hold this public hearing open until they take up the item for final consideration on June 13, 2022.

President Jones Okay, the next item on our agenda is 9.3, Resolution to support changes to the Missoula City-County Air Pollution Control Programs and I believe we have Ben Schmidt here to present on this. And if you can unmute yourself, oh there you are Ben. Good evening. We can't hear you yet though. We still can't hear you.

Marty Rehbein Ben, you might need to change your audio input on your browser. There's a little carrot next to the mute button where you can select your microphone; you might need to change that.

President Jones Ben, did you hear Marty's comments?

Marty Rehbein Unfortunately, we still can't hear you Ben.

President Jones Still not hearing you....you know we could take the last ordinance first, if he wants to do some tech work there or? Let's give it another minute and see if we can get Ben through. We've got a beautiful slideshow now, but we're still not hearing anything. Marty do you want to give him any more pointers? I'm not sure if he could hear you before....

Marty Rehbein Okay. The only, the only thing I know to do is next to the mute button on the lower left hand side of the ZOOM screen, there is little carrot, and you can open that up and at the top it says select a microphone. I actually have two different choices here on my computer that allow me to pick which microphone. There's also an opportunity to test speaker and microphone to see if you can make that work. Let me see if there's anything under audio settings here. I don't think there's anything here in audio settings that are going to make that work better than another place. The only other thing that we sometimes encounter is if ZOOM asked for permission to access....ahh Ben I heard you....

Ben Schmidt Did that one work?

President Jones Yes.

Ben Schmidt My speaker is off. You have share screen at the moment or not?

President Jones Yeah, bring your screen back up. We can see you and hear you.

Ben Schmidt Okay.

Marty Rehbein Good to go Ben.

Ben Schmidt Yeah, we deleted all of my microphones and everything. I'm just on the little laptop, so hopefully this works well. I'm sorry about. What I'm here to do is bringing the changes to the Missoula City-County Air Pollution Control program that we have proposed. Most of the changes we're actually doing this time around are for grammar, spelling. We want to fix some outdated references and that's really a substance of it. A lot of these changes that are substantive, which I will go over don't impact the City to a great deal, but I'm still going to cover them here. So, okay now it won't let me advance, so that's rather interesting. Oh, there finally, it decided to go. Okay, so where we're at here in this process is the Air Pollution Control Board approved these rule changes on April 21, 2022 and so now we're coming to the City Council asking for your concurrence. At this stage, you can either approve the rule changes as a whole or send it back to the air pollution control program, excuse me to the Air Pollution Control Board. The next thing we all have to do is we will go to the County Commissioners, go through the same process trying to get a concurrence from that group, then to the Transportation Policy Coordinating Committee where we'll just inform them of the proposed rule changes before we send it off to DEQ for final approval. And then at that stage is when the State would be sending it to the Environmental Protection Agency for review and potential inclusion into the State Implementation Plan. The State Implementation Plan is basically those rules that are federally enforceable, not just locally enforceable. Okay, on this slide, I just go over all the public outreach we have done. We've been to the Air Quality Advisory Councils, several of them over the several last years. This process actually started in 2018 but due to COVID, it sort of got put on hold for a little while and so it's been a long process with a lot of public outreach because Seeley Lake is impacted by these rules a little bit, to a little bit more of a degree than other parts of the county, we've been up there several times meeting with their community Council. The Pathfinder has posted several articles for us and of course an open house. We've also done the five legal ads in the *Missoulian* over the last couple years, plus notifications to the state, DEQ, and the EPA on what we are proposing. Okay, so going on now to the substantive changes. Under air alerts and the outdoor burning chapters, those are chapters 4 and 7, what we are doing is proposing that recreational fires be prohibited during air alerts or warnings. Right now, it's sort of a funny thing, that you can technically go out and have a recreational fire, not in city limits but outside of city limits, in an area with an air alert but, if people can't heat their home with the wood stove or, or other device. That doesn't seem to make sense and also with the rise of the recreational fires is basically increasing more, it's becoming more and more popular, it sort of needs to be addressed in the wintertime when we do have these air alerts that it's not appropriate to go out and do small fires because you want to. Chapter 5 is our general provisions chapters; there are two big changes there, there are substantive changes. The first one is clarifying how the Missoula City-County Air Pollution Control Board can change fees for the program. It was just a little unclear before and so we just try to update the language and make it more readable, more understandable for people. The other change that we did is we changed how local air rules are changed. The Missoula City-County Air Pollution Control program has a set of rules and it currently, which do not mesh with the new state requirements that were passed by the legislators, the legislature a few years ago. What we want to do is update our rules so that they are now consistent with the new state requirements. The industry chapter, the one real change there is we would like to give the department the ability to grant up to two 12-month extension to an air quality permit application for that applicant to finish construction. The main driver for this is twofold, one there, there's sort of some supply chain issues that have cropped up occasionally. The other thing that that has popped up and sort of gotten in the way occasionally of a source finishing their project is legal issues like dealing with somebody protesting their, their ability to construct and whether it be zoning or some other issue. I really do not expect this to be used very often at all. In the outdoor burning chapter, there's two things. The first one deals with wildlife outdoor burning by the major burners, you know your Forest Service, your large commercial operations. What we've done is we've taken the rules and made it clearer and more specific on how the burning is done by these major burners

in the winter months. You know, cleaning up the process, they already could burn during the winter months but the process over the years has changed, and we needed to update our language and also specify exactly how that, that program is going to work. The winter months obviously the all-western Montana valleys have a problem with inversion and trapping of air pollution on the valley floors and so it has to be a little bit more of a program than it is in like March or the spring months. Okay, the second change is we would like to allow people to move vegetation off site and burn them in either an air curtain destructor or an air curtain burner with conditional outdoor burning permit. This is actually, and this would be possible in the air stagnation zone also. The positives of this is if you're using these devices, you actually create a far cleaner burn. You have basically a fan hitting the fuel and the combustion site, so that the pollution generated is much less. So, right now, a person can't move the vegetation from one property to another property and burn it with a conditional outdoor burning permit, this would be allowed, and it comes out with several pluses. The biggest one from our point of view being of course a lot less air pollution is generated if you're doing it in a more controlled fashion than a pile of brush just on the flat ground. Chapter 8, basically what the change here is, we have a paving requirement since 1994 in the air stagnation zone, which goes about four miles outside of the city limits. What we've run into a few times is a case where let's say there's a new parking area being put in and it's being accessed by a gravel road, where our rules say new vehicle use areas must be paved or meet certain standards. The problem comes in and that sometimes it makes more sense to pave that access road where the people are traveling faster, a lot more dust is being created than in the new parking area. This would allow us the ability to say okay instead of paving this new vehicle use area, this parking area, you can pave this road instead. It comes out a bit of a win, they do the same amount of area, yet we would generally speaking would end up with a lot less pollution from the cars traveling being generated. Okay, chapter 9 is where we've done most the changes. First of all, this is the part I mentioned about Seeley Lake, we have created a Seeley Lake wood stove zone. It's a smaller area encompassing most of the places where our city, mostly where people live in Seeley Lake, so it's around the elementary school, a little bit around Pyramid Mountain Lumber, and then a little bit sort of extending past those areas but not very much. And in that Seeley Lake, wood stove zone, we are requiring that or are proposing that only 220, 20-20 stoves be installed. What I mean by that is there was a new standard passed by the EPA that all new manufactured stoves that are sold have to meet emission standards. We're saying in this fragile area, an airshed where we have troubles meeting the national ambient air quality standards for wood smoke in the air basically, that they can only put the best devices in. The other proposal is that the new wood stoves be 70% energy efficient or greater. That is an energy efficiency rate that these new stoves can meet many of them and so would just be requiring the best in that small area. Here's a slide of that zone, Seeley Lake is obviously in blue; you can see a little bit of the river there just to the south of the of the lake. I don't know if my....Pyramid Mountain Lumber is just beneath the lake and you can see that it, it tells mostly the more densely populated area. We have no information or what information we have from a saturation study from 2010 says this is primarily a neighborhood problem, which is good and so we don't really think we need to go much beyond the site at this time, if ever. The other major chain and this one does impact the city, is that we would be requiring all wood stoves be removed upon change of ownership inside the Missoula Air Stagnation Zone, which of course includes the entire City of Missoula. Since 1994, we have been requiring all, what we call non-EPA certified stoves to be removed. So, since that time and also since 1994 no new wood stoves have been installed inside the air stagnation zone legally. So, what we're proposing is that even these class one stoves be removed now. It's been well over 20 years and with our growing population, it's just getting harder and harder to meet the national ambient air quality standards especially for fine particulate in the air and so we have to look at ways to continue to improve the air quality on a per person basis, as the population grows. The other significant change is we would like to cease the certificate of compliance form inside the Missoula Air Stagnation Zone; that is a form that is required

whenever a wood stove is removed, that be completed and filed at the clerk and recorder's office. Well, since this program has been in place since 1994, it is a program that's basically outlived its usefulness it was heavily successful between 1994 and the early 2000s, but with so few properties that have legal stoves in it anymore, it's a lot of paperwork and requirements that we were requiring that that did very little. Instead, what we are proposing is a working with the realtors and other groups with voluntary educational efforts and hope we hope to even develop a wood stove removal disclosure form that realtors use similar to the concept of the rate on disclosure or lead disclosure forms that are out there at the time when you sell or purchase a property. Chapter 10 deals with fuels; we still have an oxygenated fuel program in the Missoula urban area. That is where people will put are required to have 10% ethanol in their gasoline from November through the end of February every year. Now in the 1990s, the oxygenated fuels that had a huge impact on improving the air quality. You can see it at Malfunction Junction where we used to have a carbon monoxide monitoring shed. Oxy fuels would start, and you would see the monitor out there come down, the values and you see far fewer big high spikes in the carbon monoxide levels at that that intersection. By the time you got to 2010, on the strip chart, just looking at the strip charts out there, you could not see the impact of oxygenated fuels. So, what we are proposing is that when we receive authorization from the State and the Federal Government that we can cease the oxygenated fuels program whenever we get that authorization. Again, from an air quality point of view, it really has no benefit anymore and so it doesn't really belong here. There may be other reasons to use ethanol or other fuels in in the tanks but it's not really appropriate in the air pollution control program. The other thing we've done is in chapter 14 and this is the chapter that deals with enforcement and administrative procedures. It is standard procedure to give people 15 days to request a hearing before the Air Pollution Control Board if they disagree with an administrative review. Administrative review is where they come to the department, the health officer would then either run a hearing or delegate someone to run a hearing, and what this does is if the person involved disagrees with the results of that administrative review, they can ask the Air Pollution Control Board to have that hearing on that topic. And now, instead of just always using the standard 15 days, we want it clarified in the rules actually that it is 15 days. So, taking a common practice and just codifying it here. And that's the substantive changes; if there's any questions.

President Jones Thanks Ben. First of all, in the order of business, we'll call for public comment on this item, if anyone has public comment and then we'll go to Council questions. Any public comment? Seeing no public comment or hands raised, Ben I, I did have a quick question and that is regarding wood burning fireplaces and does that come under the category of wood burning stoves or how is that being handled?

Ben Schmidt Yeah wood burning, excuse me, fireplaces and we actually have a definition for fireplaces and wood stoves in the rules. Wood stoves covers wood stove inserts in fireplaces or standing free type fireplaces. The fireplaces in our rules are defined as masonry constructions that are structurally part of the home. The rule changes do not impact those. When a property sells, the fireplace would be allowed to remain, and they could be used except during air alerts. Now during air alerts, no fireplace is allowed to be used at any time then.

President Jones Great thank you. Okay we had some questions, Kristen Jordan.

Alderperson Kristen Jordan Thank you. Ben, thank you for that really great and interesting presentation. I just have a specific question. I had a constituent reach out to me who has a neighbor who has a wood burning stove with a vent that kind of creates a problem for the neighbor, but because he's owned it forever and hasn't sold and may not sell for a while, there doesn't seem to be kind of an alternative for this constituent to get some fresh air. And I'm wondering if there's any considerations for that type of scenario, where apparently the fellow has alternative heat source but because he hasn't sold, he's

still using his wood stove and it's causing an air quality issue for this constituent and I'm wondering if you have any ideas on how that might be resolved?

Ben Schmidt Yeah, you are right. Right now, the way the rules are written that is a problem that does pop up throughout the city, especially since we've become less and less used to wood smoke being permeating. When I moved here in 1990, what smoke was normal, everyone just sort of accepted that. The way we have been addressing it is, what we have here is that change of ownership, we start removing those wood stoves. It would take some changes, substantive changes, it would have to really be looked at I think ways to address these wood stoves that are still here, still legal, and creating a private nuisance. And unfortunately, our rules right now and I don't have a great idea at the top of my head of how to address this private nuisance issue. It's, it's real, definitely real; I just don't have any great ideas how to address this in the short term.

President Jones Thank you. Follow-up Kristen?

Aldersperson Kristen Jordan Yes, please. Thank you. If you were to create a way to address these site-specific issues that are causing air quality issues for a specific residence, what a resident. what would you suggest?

Ben Schmidt To be effective, the only thing in that really because I mean this is a topic that has come up so it's not like it's, it's totally blind-sided, but really other than saying people are no longer allowed to use their wood stoves, I mean beyond that I mean, I can't think of any other way to, to address it....Or I mean, there are other ways, I guess you could do it if the wind's over 15 miles per hour, you can use your wood stove, but then you get into some, some trouble things there. Anyway, there is some issues with anything like that. My general gut feeling is if is to say wood stoves are just no longer allowed to be used.

President Jones Thanks. Any other questions from Council? Mr. Nugent.

Aldersperson Mike Nugent Thank you. The same question I had in our previous public hearing. Will you explain a little bit about how enforcement or monitoring of plans works now and what sort of sanctions I guess for lack of a better word citizens would face if they violate?

Ben Schmidt Yeah, if there's a violation, you're generally speaking, whoops, generally speakingSorry, I just got a text message. The, the what we do is we start off with a trying to talk to people about a violation to get it corrected that way and then there's a process whereby you know you slowly ramp it up. I mean people don't like to be told what to do. They, they often think that what they're doing is fine and right and, and everything of that nature. And so, you sort of have to just build from there. Now if you talk to people and they're in transient, they won't make the changes. If they are violating the rules, we will go to a notice of violation in order to take corrective action letter. Usually, at that point, when we start getting more official and pointing out there are fines that are possible, we get compliance. There have been a few times where we've actually been to court over the decades but it's not common. Anyway, what that text message was back to you, I think it was Kristen that asked this question. Someone pointed out to me that you can, these people can pursue the private nuisance aspect through the court system for a wood stove that is pestering them directly. So, so sorry about that... Did that answer your question Mike?

Aldersperson Mike Nugent Yeah, I just wanted to kind of get it out there for, for the record. Thanks.

President Jones Thank you. Okay, Ms. Sherrill.

Aldersperson Sherrill Yeah thanks Ben and I am on the Air Quality Control Board and the Health Board, so we did have a kind of pretty extensive discussion around these

changes, but Ben I'm I was hoping, just for the record, that you could address why were, why we're unable to include greenhouse gases and co2 and these air regulations because that was something that I had asked about and we had kind of a discussion at the Health Board on?

Ben Schmidt Okay. Yeah, right now our Air Pollution Control Plan and our program is orientated right on the criteria pollutants. That, that's really what we're confined to. Greenhouse gas pollutants has not been classified into that category yet and really the, the best way to approach that is through other methods, which the City has done. They got a climate action plan, the county has done, and many other municipalities and states around the country are using those other tools that are available to address the greenhouse gas, basically crisis that, that we face. Our program unfortunately is, is not in a great position the way we are confined to address the criteria pollutants. So, unless that changes at the federal level, especially for industrial sources and things like that, we really are not really the right venue to take that on.

President Jones Ms. Sherrill.

Alderson Sherril Thanks Ben, I appreciate that that and this isn't exactly a follow-up question, but more just you know that with the pollution from automobiles and regulating that, that came about through the EPA, I can't remember exactly when, but we do need some changes on the federal level, and I just wanted our constituents to know that we thought about it.

Ben Schmidt Yep.

Alderson Sherrill Great.

President Jones Any other questions from Council for Mr. Schmidt tonight on this topic? Okay seeing no other raised hands, this will stay open for one week and we will take it up for final consideration on June 13, 2022. Thank you Ben; good to see you.

Ben Schmidt Thank you.

9.4 An Ordinance amending municipal code Chapter 13.02 "Municipal Utility Rates and Charges" to specify that a landlord is responsible for unpaid tenant city utility bills.

The City Council will hold this public hearing open until they take up the item for final consideration on June 13, 2022.

President Jones Okay our last item under public hearings tonight is 9.4, an Ordinance amending municipal code Chapter 13.02 "Municipal Utility Rates and Charges" to specify that a landlord is responsible for unpaid tenant city utility bills, and I believe we have Logan McInnis here to present. Good evening Logan.

Logan McInnis Hello. Thank you, I'm Logan McInnis. I'm the Deputy Director of Public Works for utilities. See if I can share my screen. Okay, so I'm here to talk about revising utility collection practices. So, I'll give you a little overview on what we're doing here. The proposed ordinance, sorry to repeat but I guess that's what I need to do, it clarifies that in accordance with state law, property owners are responsible for unpaid utility bills on their properties. Our water collection processes are that we're proposing to change to match the historical collections process used by wastewater using the tax lien process, water shutoffs would no longer be used as the primary method for enforcing payment of water bills. And the proposed ordinance changes would establish limits for past due utility bills that would trigger the process for filing tax liens. A little bit of legal background here, Montana law (MCA 7-13-4309) outlines the process for collecting water and sewer fees from the owners of properties to which sewer and water service has been provided. The MCA section requires that a letter be sent to property owners by July 7th of each year, and if payment is not received within 30 days, the MCA, you know, directs us to

work with the Department of Revenue to insert the past due amounts as a tax levy against the property. Some background on how we've done things in the past. As, I've mentioned before, wastewater and stormwater accounts have historically been required to be in the property owner's name. So, it wasn't until 2021 that Council adopted MCA 1302-090, which allowed owners to transfer utility bills to the tenant upon signing a request to bill tenant form, and I'll go point out the tenant form states that the owner is responsible for all city provided utility service to the property. So, when the city took over the water system, there were more than three thousand accounts already being billed to tenants with no request to bill tenant form on file. A little bit about the past process for collection, I'll start with water. You know because we've historically used the shutoff process for customers that don't pay. This has created some issues in the past. Shutting off water can create a cost and a potential liability for Missoula Water resulting from damage to curb box when you operate them, and also many curb boxes just don't work. So, that aspect makes it not a very effective collections process and then COVID required us to make some changes. So, during COVID, we were no longer able to shut off water as a mechanism to get customers to pay their bills and that did lead to an increase in unpaid water bills. I think we're \$24,000.00, in FY19, was the 90 day past due amount. Currently, it's, it's about \$117,000.00, so we've seen a pretty good uptick in and past due amounts. I'll just talk a little bit about the collections process for accounts that have been final. So, if, if somebody moves out and they haven't paid their bill, they, they have 30 days to reconcile the bill. Customer service staff will make three attempts over a two-month period to contact the customer to make payment arrangements or to pay the balance before they're submitted to collections. At that time, if the customer is eligible for the LIHWAP program, which we've talked a little bit about, they're the same eligibility as the LIHEAP process. So, we will make sure they're aware of that, that, that may be an option to help catch up with their past due amounts but if ultimately it needs to go to collections, you know the collections company will take 50% of what they collect as a fee for anything that they do collect. And then, of course, the collections process can affect the customer's credit rating. So, on the wastewater and stormwater. So, I talked a little bit about the tax lien process, and I also talked about the fact that we didn't have tenant accounts prior to FY21, so no liens have ever been filed against property owners for unpaid tenant bills for wastewater because, because we did not have accounts in the tenant's names previously. In terms of the wastewater, it's, it's a pretty effective way to collect for wastewater. We, we result in about 95% payment of wastewater balances when liens are filed. And sorry, I forgot to point out... so wastewater liens are have historically been filed if you have a \$30.00 minimum balance, that, that was kind of the trigger for filing a lien for a past due wastewater account. Okay, so that was sort of the prior processes for water and wastewater. And what we're proposing to do tonight is to have a combined past due amount for water, wastewater and stormwater utilities of \$200.00 and that's for over 90 days, and that's what would trigger the lien process. So, to put him put it in perspective, the three month average water, wastewater, and stormwater bill is \$194.00. So, we were roughly targeting the average bill, if they're past due for three months, that was is the trigger that we were proposing. The same process would be used for owner occupied and tenant occupied properties. So, I guess I know a concern we've heard is you know you get one, one big irrigation bill or something and all of a sudden you meet that trigger, but it still has to be past due on the 90 days. So, that they have to, this amount has to be at least three months late. And it's, you know, it's our preference in working with Dale and others to, to use this process, you know the tax lien process as opposed to shutting off people's water for some of the reasons that I have mentioned previously. I'll talk a little bit about the, you know, past volume of liens compared with what we propose or what we project if we were to move forward with the targets that I talked about. So, this chart on the left is the number of liens and that's the number of liens that are the green bars in the graph and the access on the right is the amount liened and that's, those are the blue dots. So, 2018, 2019, and 2020, you know we liened over 1,500 properties and amounts that exceeded \$300,000.00. In 2021, the, the number of liens was still pretty high, it was nearly 1,400 . The volume liened dropped

significantly to about \$150,000.00 and that had everything to do with the fact that we switched billing systems. So, we started to combine billing through the customer information system at water in the beginning of 2021, which meant that you know we the previously wastewater have been billed through Eden's, the city's financial program and so we only build through Eden's half of 2021, just because of that change over to the combined billing in the start of, of 2021. So, we had been billing six months in advance and now with CIS, we, we bill in arrears. So, that is why that the volume lien dropped significantly in 2021. In 2022, what we're projecting based on the you know the numbers we have today that a little bit over 300 accounts would be liened and the amount would be about \$139,000.00 total. Just kind of want to talk a little bit more about those numbers. So, again current accounts that owe more than \$200.00 and are more than 90 days past due, the numbers in the table they exclude 14 accounts that have active payment arrangements. So, we do have folks that may be behind quite a bit, but we have worked out payment arrangements with them, as we are always willing to do and if they're complying with those arrangements, then they're off this list. We wouldn't use the tax lien process for, for those situations. Then I'll point out that seven accounts on this list are eligible for LIHWAP. So, you know before we would pursue the lien process, we would reach out to those individual customers and make sure they're aware that, that there are some federal funds that may be available to help. So, the numbers in the table, I just want to be able to give a comparison between owner accounts and tenant accounts. So, of the 318 total accounts that would be potentially subject to these liens, 245 of them are owner-occupied properties and the total past due amount on those accounts is \$114,000.00 or 77% of the total. Then the next line down, tenant accounts, there's 73 of those and a total past due amount of \$25,000.00 or 23% of the amount total. So, I think, I mean the bigger concern it seems like we've heard about is, is about these tenant occupied properties and I just wanted to put that in perspective, that it's, you know, it's really owner of occupied properties that are the main focus of this effort. So, that's all I had for you now. So, I'd be happy to take any questions that you might have.

President Jones Thanks Logan, appreciate it. First of all, is there any public comment on this item and if you want to take your screen down, that would be helpful. Okay, if you want to provide public comment on this item, come up to the microphone and state your name for the record and 3 minutes okay.

[inaudible speaker] Three whole minutes, probably not gonna need that. I haven't been around since before the COVID thing, that was probably the last thing and those that you that do remember me, always speaking about, I'll reintroduce myself. My name is [inaudible] and some of you I know from before, some are new. I'm from here, my family homesteaded here. We have land. I've stayed. I'm not leaving. I know the place pretty well. I try to keep track of it. I love it. I'm not leaving and so a lot of others are. They don't have the benefit, this has nothing to do with this sorry, I'm going off track let's stick to the subject perhaps next time okay. So, we're talking about utility owned and I'm just really curious if anyone knows what the demographic majority of this debt is occurring upon because I have a feeling it's perhaps most needy and given the amount which seems somewhat paltry considering the budgetary mass and I don't know if that's something that would need a public affirmation or if you could simply sign something to perhaps maybe think about forgiving if these are the neediest of people. Because right now folks are struggling more than I have ever seen and it's my 47th year here and one more tiny little thing, well it's just a check off on a list could be the difference between them staying here and who knows, and do we even think about those folks that go because they're leaving in droves. Just a thought and perhaps we'll speak again. Thank you.

President Jones Thank you for the public comment. Any other public comment on this item? And if you're in the attendee room, you can raise your hand. Okay seeing no other public comment, any questions from Council? Ms. Anderson.

Alderson Anderson Thanks so much madam president. I was momentarily a sideline by the fact I wasn't unmuted on ZOOM but I'm good. So, Logan, we had chatted when this came into committee about the number how you came about the number of \$200.00. To put a lien on someone's property that seems to me just a little bit low of a number to begin with, would love to kind of hear I mean you kind of in your explanations of the average bill is \$194.00 but that's for 3 months. So, I mean, I guess from the staffing standpoint what all has to go into from your end to actually place the lien and does \$200.00 seem yeah, it to me without knowing more seems like it's too low of a number.

Logan McInnis Yeah, I guess we're certainly comfortable and I know this creates a lot of work. You know it used to be 1,500 accounts; we've trimmed it to 300 accounts by raising that sort of the thresholds from \$30.00 for wastewater to \$200.00 in total. You know, I just think we're concerned if somebody's got almost 200 bucks or let's say you raise it to seem like somebody said 500. Well, if somebody's already three months and \$499.00 past due and now we are basically giving them 12 months till the next round of doing this and they could have a pretty large balance 12 months from now. So, it's to us kind of an early indicator let's snip this problem before people have another 12 months to not pay their bill and to pass that cost on to everybody else. You know, maybe I should have talked a little bit more. So, you know I don't think at all the 300 liens are going to get filed and we're going to be reaching out to these customers, you know whether they're the tenant or the well I mean whether it's a tenant situation or owner occupied situation, sending them letters you know working with them to make them aware. You know generally with wastewater, the, the number starts out of people who are past due starts out much higher than what actually ends up getting liened. So, I don't think for a minute, we're going to file 300 liens. You know, it's, we're going to be working with a lot of customers and you know obviously if somebody calls up and says okay how about a payment arrangement, we'll certainly consider that because that's we always offer those to customers, and you know I did mention that there's a small number that are LIHEAP or LIHWAP eligible. We're certainly going to handle those folks differently. We're going to make phone calls right away here and say look we've tried to tell you about this program, but you know just want to make sure you're aware that there's money out there to help you get these bills paid, at least while we have the, you know it's ARPA money, I believe that funded LIHWAP. So, it may not last forever but it's certainly available now for some of these lower income customers. So, I don't know if I answered your question but those are some of my thoughts.

President Jones Go ahead.

Alderson Anderson Ok, thanks so much. So to follow up, I mean I guess how do you know that there are only a small number of folks who are eligible for that LIHWAP program and if somebody who has a past due amount is qualified they you know, will they be given an opportunity to participate and become eligible and it does sound like if somebody who is has a balance that calls up proactively and sets up a payment arrangement that you are willing to work with them to avoid getting to the ultimate kind of end result of no compliance which it would be a lien.

Logan McInnis So, the you know, the 7 that we know about. Obviously we don't know what people's income level is so there's some responsibility on them to work through the HRC to establish their eligibility for the LIHWAP or LIHEAP. So, can certainly remind people in the letters that go out that look if you think that you're maybe your income's low enough to make you eligible that we would definitely want to point them in the direction of the HRC to, to see if they would you know qualify for, for LIHWAP and for our low income discount that we already do provide them.

Alderson Anderson Okay, thanks so much.

President Jones Ms. Jordan, you had a question.

Aldersperson Kristen Jordan Thank you. Thank you Logan so much for that report and that information. I have a couple questions and some thoughts. You know, first of all I know people who've tried to apply for the LIHWAP or whatever it's called program and it's really actually kind of a complicated thing to apply for, especially if you don't have internet access and/or don't have a computer, and/or don't have a printer, and/or don't have online access to your account. It's a tricky program to apply for. You know, I'm just sitting thinking this has nothing to do with your, your report. I'm just thinking water is actually a human right, like clean drinking water is a human right and I think about these folks who are unable to pay their bills and, and I'm thinking kind of a parallel along the lines of the student loan conversations that are going on right now. You know, right now kind of the general conversation is that perhaps student loans will be waived at \$10,000.00 or less because a majority of people actually have a loan that is \$10,000.00 or less and the reason why is because they literally cannot afford to pay it. And I just wonder have we ever waived these bills before? I mean you're talking about 300 people with \$200.00 worth of bills and that's, what is that, \$60,000.00. Have we waived people's water rights before, especially in a rental situation because I think that as a landlord and/or a homeowner you do have some resources to kind of tap into but as a renter you're at the you know you're at the beck and call of your, your landlord and don't have kind of that financial security perhaps that maybe a landlord or a homeowner does have and I'm just wondering if we ever waived these fees before? Because I think if you got 300 people who owe \$200.00 and we're looking at a \$60,000.00 kind of total, that would be something I'd be really interested in seeing if the city could afford waiving because it just it's kind of like the bottom of the barrel. These are the people who just can't afford it, similar to people just as an example who sit in our local jail on pre-trial status because they cannot afford to pay their bail. So, research shows that if you can't pay your bail within two or three days it's because you literally can't afford it and so I'm thinking maybe this is kind of the same conversation with folks in water and water being a human right and the fact that it's a \$60,000.00 total, is there anything we can do about perhaps giving some of these renters some, some assistance?

Logan McInnis I'm sorry is that question, should I take that question or?

Aldersperson Kristen Jordan Have we, I mean, I'm just sorry I was kind of providing some context and I guess my question is, is have we ever waived fees before for folks especially if it's the same folks? It's \$200.00 or less, do we have any kind of ordinances or rules on board that will allow folks in these situations to just have their water bills waived?

Logan McInnis I guess I would, to my knowledge, we haven't ever just wiped out somebody's utility bill and I don't know whether we have an ordinance that allows us to do it. We certainly have you know authority to grant the low income discount. You know it's not \$60,000.00 right, it's about \$140,000.00 between the utilities and it's not you know the renters aren't paying this. I mean at least initially it you know this is all subject to the people that own the real estate, you know and I'm sure that eventually that can get passed under. So, I'm sensitive to what you're saying but so I guess I don't think we've ever just told somebody they don't have to pay their bill and that all the other customers are gonna make it up. I mean it's obviously you're the City Council and if you guys direct us what to do, we'll do it so.

Aldersperson Kristen Jordan Something to think about. Thank you.

President Jones Did you have any other questions Kristen or was that it? Okay, all right moving forward, Ms. West.

Aldersperson West I hit the wrong button sorry. I was wondering if there were some industry best practices at which point to check in with people who aren't paying their utility bills? I, I know that from, in the land trust world where I formally worked if people missed two lease payments it was a good time to check in because probably, maybe

there are some you know help or assistance you can provide and so I, I guess I would be nervous to push it back further until the amount is higher because then there's you know it just becomes a bigger issue. So yeah my first question is, if there's some industry best practices and you don't have to answer that right now, if you don't have the answer we can do that I think next week right because we're going to be this is being held open until next week. And then, my, my second thing is just to comment once you've gone through the process of applying for LIHEAP, I did that for many years as a low-income homeowner, the additional step of getting reduced your discount on water rates is actually really easy, although the upfront LIHEAP application is challenging and requires a lot of paperwork and the folks at HRC are wonderful at helping folks get that done and we'll make photocopies of everything for you if you need it. So, I think it is challenging but this final little bit on the, the water utility end is, is not the hard part.

President Jones Thanks. And regarding the first question Ms. West asked, Logan if you are able to find any information regarding that and provided in an email prior to the close of the hearing next week, that would be helpful, I think. Okay and we had Ms. Becerra.

Aldersperson Becerra Thank you. I guess Logan if you could maybe share a little bit more information about those owners or those accounts that are in with some sort of repayment plan, how flexible is the city? How do we work with them to ensure that they pay the amounts that are overdue in a manner that doesn't put too much burden on them? Could you speak a little bit about that? And also, what happens when we have a you know a significant accumulation of past due bills, what does that do to our system and to potentially the ratepayers across the city? I mean ultimately, we have to pay for the utility and for providing the service to everyone. So, how would that be affected if we waive or if we don't collect?

Logan McInnis Regarding the payment arrangements, I'm not an expert. I haven't been directly involved in too many of those. I, you know, I was involved in one where an account got a couple thousand dollars behind, and it was kind of a long story. It was, I don't even remember the details, but we allowed them to work that out over a two to three year period. So, I think that's an example. I, I think we're very flexible on payment arrangements, people just have to abide by them and, and comply. You know, in terms of, you know is \$140,000.00 between the three utilities probably not going to break the bank, but you know the utilities are not flush with cash and I think ...I guess, I guess we feel like we need to have some mechanism where we tell people we send a bill and we expect them to pay it because, because otherwise why would people continue paying their bill. So, I feel like it is important for people to pay for the utilities that they use, but I would agree we're not going to go broke if we don't collect this \$140,000.00. So probably not a, not a great answer but I, I don't have much else off the top of my head, I'm sorry.

President Jones Thank you. Mr. Hess.

Aldersperson Hess Thanks. Logan, you've mentioned that it would be very unlikely for all of these property owners to have liens placed. Can you talk a little bit about the timeline, the process and timeline, this, this \$200.00 threshold would give you authority to notify and then what would be the process and the timeline for actual you know for, for collecting or for establishing payment plans or for placing a lien if needed?

Logan McInnis Well, so I do know that the MCA requires a letter to go out by July 7th. It requires us to give them 30 days minimum to make payment. You know, we would, you know one thing kind of getting back to one of the earlier questions is you know a lot of these are landlords that have no idea that their tenants haven't paid their bills. And now, so we would like to send some letters to those folks out in advance of the July 7th to just say, look you have tenants that are past due if and you know explain what this is going to lead to and if they want to go in and get some details, so they have some understanding because right now they don't. We don't, we don't tell landlords that their tenants aren't paying their bills. So, they have, they just don't have that information currently. I'm not

also an expert on, on the process in terms of how much individual work we do. I mean obviously, we're going to send a letter out and give them a phone number and hope that people call us up and, and try to work this out. You know, I don't think we're gonna make a phone call to everybody but certainly would hope that everybody calls us and, and talks about it so we can you know get the list a lot lower to go to liens. I know that Judy in wastewater has, has long been successful and getting that number of you know what it starts out initially you know the number of actual liens that get filed are a lot lower than, than how the list starts out. So, you know we're gonna hard, we're, we're gonna work hard to communicate with folks and, and to you know offer ideas like LIHWAP and payment arrangements, and try to help folks find ways to, to get caught up.

Alderson Hess Follow-up?

President Jones Go ahead.

Alderson Hess If it's something that's easily collected, I'd be interested in what that what that figure is for past efforts with, with wastewater. You know, if, if there's 1,500 notices sent out and then there's 30 liens applied, I mean or 300, I mean I'd just be kind of interested in an order of magnitude of how many get to that stage versus how many are successfully resolved.

Logan McInnis Sure, yeah I can get you that information.

President Jones Great. Ms. Savage.

Alderson Savage Thank you. It seems like a lot of us may have questions about process Logan and so I wondered if maybe you know between now and the next meeting, we might get just an email about you know what the process is? When someone becomes late, do they get a notice? Do they get another letter? So, no longer, they're not getting a shutoff notice anymore? They're going to get a letter for the lien? Maybe if, if that were spelled out a little better that might help. And then also I'm interested like Councilwoman Anderson at how you arrived at the \$200.00. I know we've talked about it several times. I'm just curious, was that an industry best practice as well? Was that based on that three-month average? I'm just curious, as we move forward.

Logan McInnis Yeah, I think we just, I don't, we don't have industry data. We know others in Montana do this and can do it and have done it, but we have not checked with counterparts elsewhere to see what their triggers are. We certainly could reach out and try to get some, some other information about that. How we came up with it was just you know \$30.00 seemed way too low, but you know there is a lot of work in doing this, so we knew it needed to be higher than that plus we were going from wastewater only to water, wastewater, storm. So, you know it just seemed like it's 90 days and you know what the average bill was for 90 days seemed like a reasonable target and just concerned about getting, letting it get too much knowing that you know we're another 12 months out before we have an opportunity to do this. It's you know yes, we do collect you know 95% based on wastewater but we also are 12 months out and you know there's a cost to that too of, of you know just the time value of money. So, I can certainly make some contacts in other communities and see what other communities process is for, for doing this and try to get some information in the next week.

President Jones Thank you. And so there have been a couple requests for specific information to be emailed and if you could make sure that that's also emailed to the Clerk's office, Mr. McInnis, so that could be attached to the record, so that the public also so the sorry so that the public can access it also. Ms. Jordan.

Alderson Kristen Jordan Yes, thank you. I do have a follow-up, I appreciate it. Logan, I really do appreciate your report and I understand that this is a tough scenario, and I don't want you to think by any means that I think you're personally responsible for these people not paying their bills and I know that you're between a rock and a hard place.

What I'd like to see perhaps maybe just put on people's radar is perhaps we have like a program, or we instigate a program where our top 30 non-payments who are renters maybe get a discount, or they get their fees waived. I just know that folks are really hurting right now and government, in my personal opinion, is, it shouldn't be in the business of making money. Government is in the business of spending taxpayer dollars really wisely and I think if we have people who are hurting in our community that it would behoove us as, as City Council members to talk about ways perhaps that we could alleviate the stress of kind of those frequent flyers, people who just are in a tough spot and can't pay their bill. You know this is different than you know, actually I don't have an example, but I, I'm just thinking that water you know clean water is a human right and I would love to see us starting to talk about ways that we could supplement these bills of folks who are renters that can't afford to pay their bills. And I know, you know we've talked about other things that we'd like the City to pay for as well. I just really have it in my head that folks who are poor are just poor you know, and you can't kind of shake a tree and have money come out of it. And for things that are human rights like clean drinking water, I'd love to start conversations about how the city can start to help people pay those bills and so, Logan thank you so much. I really hope you don't think I'm like targeting you or like coming out I really appreciate what you're saying and it's really interesting and I understand that you guys are doing what you need to do, and I'd love to just open some conversations about how we can help some of these folks. So, thank you.

Logan McInnis Okay.

President Jones Mr. Nugent.

Aldersperson Mike Nugent Thank you. Two quick comments, the going down a slope of, of ability to repay or not, I would just say that there are homeowners in our community who are cash poor and if we were going to do something like that it would really need to be criteria based, not just people who haven't paid because not everybody who hasn't paid their water bill has the same situation. So, I'd want to be really careful about that but the \$200.00 threshold, I think if it gets much higher than that and the idea of this policy is to pass it, to transfer it back to the property owner, which makes sense to me but if, if we raise that threshold we're going to create a problem for some of those property owners who all of a sudden don't have the ability to pay a bill that we're going to ask them to pay until it's \$500.00 or whatever, whatever number we come from. So, I think that if, as far as the policy that we're looking at now, this, this number's got to be a balance between a reasonable amount of time that someone hasn't paid but also not expecting when we're transferring the bill to someone else to be for it to be so high that it really makes a difference.

President Jones Okay. I'm not seeing any other hands raised for questions on this matter. This will stay open until June 13, 2022 when we will have final consideration and a vote on it and you know there were a couple specific requests for information, Logan. So, appreciate if you're able to track anything down. Okay thanks everyone. We are done with that public hearing for now. We're done with all of our public hearings.

10. COMMITTEE REPORTS

10.1 Budget and Finance (BF) committee report

10.2 Climate, Conservation and Parks (CCP) committee report

10.2.1 Minutes from the June 1, 2022 Meeting

10.3 Committee of the Whole (COW) committee report

10.3.1 Minutes from the May 25, 2022 Meeting

10.4 Housing, Redevelopment, and Community Programs (HRCP) committee report

10.5 Land Use and Planning (LUP) committee report

10.5.1 Minutes from the June 1, 2022 Meeting

10.6 Public Safety, Health and Operations (PSO) committee report

10.7 Public Works and Mobility (PWM) committee report

10.7.1 Minutes from the May 25, 2022 Meeting

11. NEW BUSINESS

12. COMMUNICATIONS FROM THE MAYOR

President Jones I will pass on communications from the Mayor since I'm sitting and running the meeting tonight.

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

President Jones We'll start with general comments of City Council members, and I'll start with our virtual attendees. So, Ms. Vasecka.

Aldersperson Vasecka I'll pass this evening, thank you.

President Jones Ms. Jordan.

Aldersperson Kristen Jordan Hi, my dog's barking. I'll pass tonight, thank you.

President Jones Okay, thanks. Mr. Contos.

Aldersperson Contos I think I'm gonna go ahead and pass this time. Thank you.

President Jones All right, thanks. And then we'll go to Ms. Anderson.

Aldersperson Anderson I'm trying to decide if I should comment or not. I'll pass.

President Jones Ms. Sherrill.

Aldersperson Sherrill I'm gonna pass tonight. Thank you.

President Jones Mr. Nugent.

Aldersperson Mike Nugent I never pass. I'm just kidding. I just really quickly wanted to say, I attended several events around PRIDE this weekend and it was just one of those moments that I was reminded of how proud I am to live here and I know that there are struggles and I know that it's getting more expensive to be here and we're trying to tackle all that stuff, but I was proud to be a Missoulian this weekend for the way the community supported that event and, and really wrapped its arms around I mean a lot of issues that are very real for a lot of people. And I, I think that's something to be proud of and something that as a body we should continue to support.

President Jones Mr. Carlino.

Aldersperson Carlino Yeah, I wanted to comment on a couple things. Than man earlier, John, that came to comment earlier during the general comment. He seemed really frustrated at.... I think, I don't think we should be contracting with Red's Towing anymore. They're charging people \$300.00 to take their car out of the public library, charging him hundreds of dollars to because he's living in his because he was living in his car or, or left his car somewhere. So, he ended up with thousands of dollars and people are having to pay \$300.00 every time that they parked at the library overnight and we could have just bought our own city truck a long time ago and paid a living wage, but yet we're going through Red's Towing who doesn't pay a living wage and charges obscene amounts. It just seems like we really shouldn't contract with them anymore and another

con another company that we contract with that doesn't pay a living wage is also Rogers International. They're hiring their vice president right now for \$14.00/hour if anybody's looking for a vice president job there. And then the last thing I wanted to comment too, I know we are still working on our code reform, and we're delayed the rezoning for today, but I just want to again put some urgency on the housing issue. You know half our town is renters and as a renter currently, I can tell you that it's not the same as when you were a renter in Missoula right now. When the vacancy rate dropped to 0.3%, my rent at my whole building went up two months in a row and every time I check the mail, I'm worried about seeing that we're going to get evicted or seeing like the rent go up and every renter in town is feeling that and there's no time to waste. We need to get this code reform right and, and stop dilly-dallying on the housing issues and put our money to the, in the budget to the issues that matter the most and meeting everybody's basic needs.

President Jones Ms. Becerra.

Aldersperson Becerra I'll pass, thank you.

President Jones Mr. Hess.

Aldersperson Hess Pass, thanks.

President Jones Ms. Savage.

Aldersperson Savage I just wanted to echo Councilman Nugent's comments about PRIDE. I was honored to walk in PRIDE, in the PRIDE parade on Saturday morning with my daughter and I literally had tears in my eyes the entire time because I was so proud of this community, and I was so proud of everyone showing up in that way on a rainy, cold Saturday. It was festive it was full of joy, and I was just really honored to be there.

President Jones Ms. West.

Aldersperson West I just want to remind everyone to return their ballots tomorrow and if you haven't put them in the mail yet like me, you should drive your ballot over to the Elections Office and drop it off before 8:00 p.m.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS

14.1 Administratively approved agreement report

15. ADJOURNMENT

President Jones We will stand adjourned. Thank you everyone for your service.

The meeting adjourned at 8:16 p.m.

Martha L. Rehbein, CMC, Legislative
Service Director/City Clerk

John Engen, Mayor